

4/8/2007

To Whom It May Concern:

I am writing to express opposition to the proposed merger of XM Satellite Radio and Sirius.

My comments will primarily address the proposed benefits to the consumer cited in the filing documentation.

Consolidated "substantially similar" programming from both networks, in my opinion, does not constitute more choice. Instead, in the near term and for a significant time going forward, consolidating versions of similar channels is removing consumer choice within the SDARS marketplace. While there are offerings that are nearly exactly the same (mostly in the news, talk and sports genres), I believe that much of the alleged "duplicated" content is presented on each system with a very specific, differentiating programming philosophy. I believe that there is a reason why, in the present marketplace, a consumer chooses one provider over the other (even though the programming genres may be presented as categorically the same). Were the existing programming offerings substantially similar, how could one platform's programming receive awards, honors or notable mentions over another's (as Sirius has for its "Hits 1" and XM has for the Bob Edwards Show and Oprah & Friends)? Consolidating channels could force a one-size-fits-all approach, instead of driving innovative programming methods (and consumer choice) for each. Even in the distant future, I believe that the ultimate consolidation of the different programming approaches into a single company's presentation will ultimately leave consumers with fewer choices in the SDARS marketplace, since that company will have the entire allocation of SDARS spectrum.

Both companies mention that they will keep individual (and incompatible) satellite delivery systems, which could be used to support a simulcast of higher-profile consolidated programming offerings (subject to approval of programming partners) now and for several years to come. With both systems operating at or near full capacity now, it would seem that the only way to add programming is to delete or preempt other offerings - removing choices for a long time to come. With high-profile sports programming seasons likely to overlap during various times of the year, for example, a significant amount of bandwidth on each system could be required to present all of the simulcast content - to the detriment and preemption of other programming offerings (not to mention the potential for inefficient use of spectrum by duplicating content).

In the distant future, when one company could control the entire SDARS spectrum as a merged entity, such an entity could have little incentive to innovate in the areas of programming, technology and customer service - especially if a very powerful company emerged that could control certain exclusive programming content, features, delivery methods or technology unavailable in other media. With certain elements or features exclusive to the only SDARS provider, what incentive would such a company have to satisfy a consumer whose only choice may be simply doing without the content, features, delivery methods or technology if he or she is dissatisfied with the only available entity?

Thanks for your consideration of these comments.

P. Amend